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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,400	10/07/1999	JOHN W. SHERRY	884.166US1	3252

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EXAMINER	
FLETCHER, JAMES A	

ART UNIT	PAPER NUMBER
2615	2

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/414,400	Applicant(s) SHERRY, JOHN W.	
	Examiner James A. Fletcher	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 4, line 8, the specification contains the text, "Alternatively, a compresses audio file..." The examiner believes the text should read --Alternatively, a compressed audio file...--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al (4,742,369).

Regarding claims 1 and 2, Ishii et al disclose a camera comprising:

- a photo-sensitive array for capturing an image (Col 4, lines 28-30 "CCDs having an infrared cut filter or three-primary color mosaic color filter at the input side are used as imaging elements");
- a microphone (Col 14, line 61 "microphone");
- a memory (Fig 8, item 34 "Memory"); and
- a processor coupled to the photo-sensitive array, microphone and memory, which converts audio input provided by the microphone into text and stores the text in the memory (Col 2, lines 10-15 "control means...for causing

...image signal storage means to sequentially store in different memory areas still image signals" and Col 14, lines 60-66 "A voice input through microphone...is supplied to and recognized by voice recognition circuit, and is then written in image memory").

Regarding claim 3, Ishii et al disclose a camera wherein the processor stores the captured image as a digital data file in the memory (Col 1, lines 60-64 "image signal storage means having a plurality of memory areas, and, coupled to said solid-state imaging element means, for storing in each of said memory areas an image signal the object corresponding to image focused on said solid-state imaging element means").

Regarding claim 4, Ishii et al disclose a camera wherein the processor stores the captured image and the text as a single digital data file in the memory (Col 2, line 14 "still image signals" and Col 14, lines 60-66 "A voice input through microphone...is supplied to and recognized by voice recognition circuit, and is then written in image memory").

Regarding claim 8, Ishii et al disclose a camera comprising:

- a photo-sensitive array for capturing an image (Col 4, lines 28-30 "CCDs having an infrared cut filter or three-primary color mosaic color filter at the input side are used as imaging elements");
- a microphone (Col 14, line 61 "microphone");
- a memory Fig 8, item 34 "Memory" (); and
- a processor coupled to the photo-sensitive array, microphone and memory, the processor converts captured audio input provided by the microphone into

a digital text file and converts the captured image into a digital image file, and wherein the processor stores the digital image file and the digital text file as a single composite digital data file in the memory (Col 14, lines 60-66 "a voice input through microphone...is then written in image memory. Thus, arbitrary additional data can be input easily" and Col 14, lines 49-54 "arbitrary additional data...is then converted into pattern data by character generator and supplied to image memory").

Regarding claim 11, Ishii discloses a camera wherein the processor further stores the captured audio as a separate audio file in the memory (Col 14, lines 47-66 describe a process wherein data from a keyboard, which may also be data from a microphone, is stored in memory, then converted into pattern data by the character generator before being added to the image).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii as applied to claims 1 and 8 above, and further in view of Bernardi et al (5,546,145).

Regarding claims 5-7, 9, and 10, Ishii is silent as to how the processor is activated to capture audio input provided by the microphone.

Bernardi et al teach a camera comprising an input control for activating the processor to capture audio input provided via the microphone (Col 10, lines 55-57 "The user may also verbally initiate recording of information originating in or under the control of the camera itself" and Col 10, lines 47-48 "The camera user selects a sound recording mode via a user input selector switch").

Open microphones are known to pick up extraneous noise and comments, which may or may not have pertinence to the task at hand, in this case providing extra information regarding an image taken by a still camera. Controlling that microphone so the extra information to be stored with the image is identified minimizes the possibility of extraneous and erroneous data being stored with the image. Therefore, it would have been obvious to one of ordinary skill in the art to provide a suitable means for controlling the recording of extra data associated with the image.

6. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (4,742,369), and further in view of Bernardi et al (5,546,145).

Regarding claims 12, 14 and 15, Ishii et al disclose a method of operating a camera comprising:

- activating a shutter of the camera to capture a light image (Col 5, line 53 "shutter switch is depressed");
- converting the light image to digital image data (Col 5, lines 54-55 "the object image is sensed by sensor and written in memory");
- capturing audio input (Col 14, lines 60-64 "A voice input through microphone is supplied to A/D...converter through filter and amplifier"); and

- converting the audio input into text data (Col 14, lines 60-66 "a voice input through microphone...is then written in image memory. Thus, arbitrary additional data can be input easily" and Col 14, lines 49-54 "arbitrary additional data...is then converted into pattern data by character generator and supplied to image memory").
- storing the text data and the digital image data as a single digital data file in a memory of the camera (Col 14, lines 60-66 "a voice input through microphone...is then written in image memory. Thus, arbitrary additional data can be input easily" and Col 14, lines 49-54 "arbitrary additional data...is then converted into pattern data by character generator and supplied to image memory").
- Ishii is silent regarding the activating of an audio input.

Bernardi et al teach a camera comprising an input control for activating the processor to capture audio input provided via the microphone (Col 10, lines 55-57 "The user may also verbally initiate recording of information originating in or under the control of the camera itself" and Col 10, lines 47-48 "The camera user selects a sound recording mode via a user input selector switch").

Open microphones are known to pick up extraneous noise and comments, which may or may not have pertinence to the task at hand, in this case providing extra information regarding an image taken by a still camera. Controlling that microphone so the extra information to be stored with the image is identified minimizes the possibility of extraneous and erroneous data being stored with the

image. Therefore, it would have been obvious to one of ordinary skill in the art to provide a suitable means for controlling the recording of extra data associated with the image.

Regarding claim 13, Ishii et al disclose the method of operating a camera further comprising storing the digital image data and the text data in a memory of the camera (Col 14, lines 49-56 "arbitrary additional data [e.g., imaging location or imaging conditions] is input...and supplied to image memory").

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al, and further in view of Shipp (6,031,526).

Regarding claim 16, Ishii et al disclose a camera system comprising:

- a photo-sensitive array for capturing an image (Col 4, lines 28-30 "CCDs having an infrared cut filter or three-primary color mosaic color filter at the input side are used as imaging elements"), a microphone (Col 14, line 61 "microphone"), and a memory (Fig 8, item 34 "Memory"); and
- an external processor coupled to the camera, the processor converts audio input provided by the camera into text (Fig 1 shows the voice recognition module 20 as being separate from video camera 11) and combines the text and the image provided by the camera into a common data file (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al in view of Shipp as applied to claim 16 above, and further in view of Bernardi.

Regarding claims 17-19, the combination is silent as to how the processor is activated to capture audio input provided by the microphone.

Bernardi et al teach a camera comprising an input control for activating the processor to capture audio input provided via the microphone (Col 10, lines 55-57 "The user may also verbally initiate recording of information originating in or under the control of the camera itself" and Col 10, lines 47-48 "The camera user selects a sound recording mode via a user input selector switch").

Open microphones are known to pick up extraneous noise and comments, which may or may not have pertinence to the task at hand, in this case providing extra information regarding an image taken by a still camera. Controlling that microphone so the extra information to be stored with the image is identified minimizes the possibility of extraneous and erroneous data being stored with the image. Therefore, it would have been obvious to one of ordinary skill in the art to provide a suitable means for controlling the recording of extra data associated with the image.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al, and further in view of Shipp.

Regarding claim 20, Ishii et al disclose a method of operating a camera system comprising:

- activating a shutter of the camera to capture a light image (Col 5, line 53 "shutter switch is depressed");
- converting the light image to digital image data (Col 5, lines 54-55 "the object image is sensed by sensor and written in memory");

- capturing audio input (Col 14, lines 60-64 "A voice input through microphone is supplied to A/D...converter through filter and amplifier"); and
- Ishii uses an internal processor for text processing, and does not suggest converting the audio input into text data using an external processor.

Shipp teaches the use of a processor located separately from the camera (Fig 1 shows the voice recognition module 20 as being separate from video camera 11). The use of a separate processor for speech-to-text conversion allows for a simpler camera and a more powerful processor. As taught by Shipp (Col 3, lines 20-21 "voice recognition module will include proprietary software and hardware"), software is known to be easily updated as new algorithms are developed, and having the module and its software remote from a camera, intended to be small and portable, facilitates such updates. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to locate the voice recognition processor separately from the camera.

Shipp also teaches storing image and text as a single file (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record"). As taught by Shipp, storing image and text together in a single file provides insurance that the text and image will be retrieved together and not require additional effort to associate the two types of information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to save both text and image data as a single file.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
August 14, 2003

VINCENT BOCCIO
PRIMARY EXAMINER